



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Wednesday, October 14, 2015

7:00 PM

Council Chamber

---

### **20150864      Savvy Award - Top in Nation**

Presentation of an award by 3CMA, City-County Communications & Marketing Association to the 150th Anniversary Committee of the Civil War. Marietta won first in the nation in the category of "Special Events, One-Time Event". Some comments from the judges included "Very well organized for such a large undertaking. Inclusive of many different groups of stakeholders. A diverse and innovative approach to celebrating history. Fake newspaper was awesome - loved reading The Marietta War Time News!" Committee Chair Bill Bruton, Jr. and Communications Manager Lindsey Wiles to receive for the committee.

#### **Presented**

### **20150674      Marietta Citizens' Police Academy Graduation**

The Marietta Citizens' Police Academy recognizes the following graduates

Fred Brown	Marcia McDermott
Lisa M.Cymbor	Eric McGhee
Elisa Herbst	Patricia Mosley
Diane J. Hewitt	James M. Northcutt
Deborah Holman	Jane Oddi
Haley Holman	Richard C. Sayers
Robert B. Holman	Charles A. Smith
ChandaLightsey	William Whitlock
Carol Mayer	Patricia Wills

#### **Presented**

**20150873      Park Street Elementary 2015 Clean Water and Public Power Week Poster Contest Winners**

Presentation of the 2015 Clean Water and Public Power Week poster contest winners from Park Street Elementary School by Karmen Scarbro and Kim Holland.

Clean Water Week Winners:

Grand Prize - Anthony Rosario - 5th Grade

1st Place - Diana Canas - 5th Grade

2nd Place - Kathy Sarai Zacarias - 3rd Grade

3rd Place - Sherlynn Renteria - 5th Grade

Public Power Week Winners:

Grand Prize - Jesse Maina - 4th Grade

1st Place - Kendall Jones - 4th Grade

2nd Place - Caleb Northam - 5th Grade

3rd Place - Amora Nelson - 3rd Grade

**Presented**

**20150928      Live Well Marietta Day**

Mayor Tumlin presents a proclamation to Cecelia Patellis and Kim Menefee from WellStar recognizing Live Well Marietta Day on October 14, 2015 encouraging all our citizens, individual, corporate and institutional to take an active role in engaging in activities that promote healthy eating and greater physical activity.

**Presented**

**20150927      Proclamation - Diaper Day**

Presentation of a Proclamation to Ms. Barbara Hickey, declaring Monday, October 26, 2015 as "Cobb Diaper Day" in the City of Marietta. The Cobb Diaper Day Committee is committed to asking the business community, concerned citizens, and non-profit organizations, to collect diapers from employees, members and friends throughout the month of October. The single act of donating diapers on Monday, October 26 at 5:00 PM at Glover Park, on the Marietta Square can help hundreds of families in Cobb County.

**Presented**

**20150933      Scheduled Appearance - Ms. Antiqua Cleggett**

Ms. Antiqua Cleggett, Development Coordinator for Georgia Symphony Orchestra Wishes to address council about their upcoming Music Director Search and to thank them for the tourism grant.

**Present**

**20150935 Regular Meeting - September 9, 2015**

Review and approval of the September 9, 2015 Regular Meeting Minutes.

**Approved and Finalized**

**\* 20150930 Scheduled Appearance - Dr. John Morgan**

Dr. John Morgan will make a presentation to council relative to homeless outreach.

**Present**

**20150810 Z2015-30 [REZONING and SPECIAL LAND USE PERMIT] HI ATLANTA INC (TONY PATEL)**

Z2015-30 [REZONING and SPECIAL LAND USE PERMIT] HI ATLANTA INC (TONY PATEL) requesting rezoning for property located in Land Lot 799, District 17, Parcel 0080, 2nd Section, Cobb County, Georgia, and being known as 2500 Delk Road from OI (Office Institutional) to OHR (Office High Rise) with a Special Land Use Permit for an extended stay hotel. Ward 7A.

**Tabled**

**\* 20150813 Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY**

Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY requesting rezoning for property located in Land Lot 726, District 17, Parcel 0120, 2nd Section, Cobb County, Georgia, and being known as 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7A.

**Approved and Finalized**

**\* 20150814 Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)**

Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP) requesting rezoning for property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2nd Section, Cobb County, Georgia, and being known as 770, 780, 786, & 790 Powers Ferry Road from R-20 (Single Family Residential - County) to R-4 (Single Family Residential 4 units/acre - City).

*Motion to approve with the following stipulations:*

- 1. Letter of stipulations from Garvis L. Sams, Jr., Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated September 24, 2015.*
- 2. The homes will be fee simple, owner-occupied with no rentals.*
- 3. Any repairs required to existing fencing which is located on the subject property shall be undertaken and completed prior to the development of the property.*

**Approved as Amended**

\*      **20150815**      **A2015-06 [ANNEXATION] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)**

A2015-06 [ANNEXATION] ALAN SCHLACT (KRAFT MARK HOMES, LLLP) requesting the annexation of property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390, & 0380 (also known as 770, 780, 786, & 790 Powers Ferry Road), of the 2nd Section, Cobb County, Georgia consisting of 3.17 acres. Ward 6A.

Mayor Tumlin discloses conflict with the Powers Ferry Station zoning and annexation and will reclude himself from participation in discussion and vote.

**Approved and Finalized**

\*      **20150816**      **CA2015-08 [CODE AMENDMENT]**

CA2015-08 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2nd Section, Cobb County, Georgia, (also known as 770, 780, 786, and 790 Powers Ferry Road), the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 6A.

Mayor Tumlin discloses conflict with the Powers Ferry Station zoning and annexation and will reclude himself from participation in discussion and vote.

**Approved and Finalized**

\*      **20150818**      **Z2015-33 [REZONING] CITY OF MARIETTA**

Z2015-33 [REZONING] CITY OF MARIETTA requesting rezoning for property located in Land Lots 1213, 1235, 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as portions of 10' unnamed alley, Roswell Street right-of-way, and Victory Drive right-of-way) from unzoned to CRC (Community Retail Commercial). Wards 5A and 1A.

**Approved and Finalized**

\*      **20150819**      **Z2015-34 [REZONING] THE WALKER SCHOOL, INC**

Z2015-34 [REZONING] THE WALKER SCHOOL, INC requesting rezoning for property located in Land Lots 998, 999, 1018, and 1019, District 16, Parcel 0100, 2nd Section, Cobb County, Georgia, and being known as 815 Allgood Road from HI (Heavy Industrial) to OI (Office Institutional). Ward 5B.

**Approved and Finalized**

\*      **20150729**                      **Z2015-35 [REZONING] CITY OF MARIETTA**

Z2015-35 [REZONING] CITY OF MARIETTA requesting rezoning for properties located in Land Lots 651, 652, 717, and 718, District 17, Parcels 0020 and 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 849 and 861 Franklin Road from PRD-MF (Planned Residential Development Multi Family) to PCD (Planned Commercial Development). Ward 7A.

**Approved and Finalized**

\*      **20150701**                      **CA2015-09 [CODE AMENDMENT]**

CA2015-09 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.11, Residential Infill Development Overlay District.

**Approved and Finalized**

\*      **20150940**                      **Denial of Claim**

Denial of the claim of Stewart Gitters.

**Approved to Deny Claim**

\*      **20150941**                      **Denial of Claim**

Denial of the claim of Brelyn Anderson.

**Approved to Deny Claim**

\*      **20150875**                      **FFY2015 CDBG Funds**

Approve the transfer of CDBG funds from Housing Rehabilitation to Public Facilities for acquisition and improvement of this land; subject to the execution of a long term lease agreement between the Salvation Army and the City of Marietta on or before February 12, 2016.

*Approve the transfer of CDBG funds in the amount of \$50,000 from Housing Rehabilitation to Public Facilities for acquisition and improvement of this land; subject to the execution of a long term lease agreement between the Salvation Army and the City of Marietta on or before February 12, 2016.*

**Approved as Amended**

\*      **20150876**

**Proposed Use of FFY 2015 CDBG Funds**

Approval of a Resolution allocating \$34,200 in unspent FFY'2015 CDBG Housing Rehabilitation funds to Cobb-Douglas Public Health to acquire equipment to furnish a dental treatment room and pediatric examination room.

**Approved and Finalized**

\*      **20150776      Vehicle Replacement**

Approval of an Ordinance amending the Fiscal Year 2016 Budget to receive \$26,012 in insurance claim reimbursement and transfer to the General Fund to purchase a Police Patrol replacement vehicle.

**Approved and Finalized**

\*      **20150857      Budget amendment to settle up FY2015**

Approval of an Ordinance amending the Fiscal Year 2015 to budget to address the annual year-end settlement of accounts to move the salary savings due to unfilled positions for the purchase of vehicles and equipment, to move the General Fund capital contingency to user departments to cover approved capital items, and to appropriate the operational surplus in various Funds of the City.

**Approved and Finalized**

\*      **20150865      Polling Place Amendment**

Motion to approve a permanent polling place change for Ward 4A from the World Changers Church International to Maple Avenue United Methodist Church, 63 Maple Avenue, Marietta, GA 30064 to coincide with the change adopted by the Cobb County Board of Election and Registration.

**Approved and Finalized**

\*      **20150881      CA2015-10 [CODE AMENDMENT]**

CA2015-10 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 723.03, Sanitary sewers, to address minimum lot size of septic tank lots.

*Motion to authorize advertisement for amendments to the Division 732, Required Improvements, paragraph 732.03 Sanitary Sewers.*

**Approved for Advertisement**

\*      **20150871      2016 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2016.

**Approved and Finalized**

\*      **20150878      Detailed Plan for 554 Haley Street**

Motion to approve the detailed plan for the property at 554 Haley Street, including the site plan, landscape plans and architectural elevations, as shown on the attached plans labeled "Detailed Plan for 554 Haley Street", signed by the owner and dated October 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

The front setback of the houses may be 10 feet or more; however driveways, shall be at least

18' between the garage and the back of the sidewalk in order to accommodate two cars in addition to those provided in the two-car garage.

In order to ensure that the homes built in the 554 Haley Street development are built consistent with the definition of 4-Sided Architecture, the following language shall be adopted:

1. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by Brock Built Homes and approved by the City of Marietta, dated October 14, 2015.
2. Design features, standards, and requirements incorporated in the homes shall be as follows:
  - a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.
  - b. Window muntins appropriate to the style of the home on all four sides of the residence.
  - c. Shutters deemed appropriate on front, side, and rear elevations of the homes.
  - d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.
  - e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.
  - f. The front loaded garages shall have carriage-style garage doors.
  - g. In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

**Approved and Finalized**

\*      **20150880**      **Revised Detailed Plan for Marietta Walk**

Motion to approve the revised detailed plan for Marietta Walk, including the site plan and landscape plans, as shown on the attached plans, signed by the owner and dated October 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

**Approved and Finalized**

\*      **20150892**      **Custer Park Monument Sign Options**

Motion to authorize the installation of an electronic sign for the Custer Park Sports and Fitness Complex.

**Approved and Finalized**

\*      **20150893**      **Branding Project Request for Ice Rink venue beginning date.**

Motion to authorize the Branding Project to begin operation of the ice skating venue in Glover Park on November 20, 2015, with set up to begin on or after November 10th with construction activity to cease during the Veteran's Day Parade and Ceremony.

Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.

**Approved and Finalized**

\*      **20150894**      **Branding Project New Year's Eve Street Closures Request**

Motion to authorize the closure of various street in the downtown for the New Year's Eve event, as shown on the attached diagram.

Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.

**Approved and Finalized**



\*      **20150874                      Supplemental FY16 Tourism Grant Presentations**

Motion to approve the supplemental FY16 Tourism Grant funding as follows:

The Earl Smith Strand Theatre - \$28,000

Georgia Ballet: \$5,000

Marietta/Cobb Museum of Art - \$15,000

Marietta Gone With The Wind Museum - \$22,500

Marietta Museum of History - \$19,500

Symphony on the Square - \$5,000

The Marietta Welcome Center - \$5000

Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.

Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.

Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.

**Approved and Finalized**

\*      **20150860                      Military Leave**

Approval of an ordinance amending the language in Article 4-4-16-060 regarding military leave.

**Approved and Finalized**

\*      **20150040                      Pension Amendment**

Motion requesting the pension board discuss and consider pension amendment regarding breaks in service of no more than eight years.

*Motion to remove this matter from the Agenda.*

**Removed**

\*      **20150869                      City/BLW Position Allocation Chart**

Approval of an ordinance amending the FY2016 City of Marietta/BLW Position Allocation Chart in order to clarify usage of part-time staffing in the Parks, Recreation, and Facilities Department.

**Approved and Finalized**

\*      **20150889                      City of Marietta Property fronting Marietta Walk**

Motion authorizing the abandonment and sale of a remnant parcel of City of Marietta Property fronting 426 Powder Springs Street at the Marietta Walk Development to Century Communities of Georgia, LLC in exchange for \$24,780 and the stipulation that Century Community of Georgia, LLC and the subsequent HOA will be responsible the installation of maintenance of trees and landscaping in conformance with the Powder Springs Streetscape Improvement project with review and approval from the Public Works Director.

**Approved and Finalized**

\*      **20150891                      Traffic Calming at Custer Park**

Motion authorizing installation of a speed table on Kenneth E. Marcus Way meeting the design criteria of the Speed Table Ordinance and a mid-block pedestrian crossing at the entrance to the Custer Park Sports and Fitness Center.

**Approved and Finalized**

\*      **20150697                      Roswell Street Right of Way**

Motion authorizing the abandonment and exchange of portions of unnamed alley right of way, Roswell Street right of way, and Victory Drive right of way as per the Settlement Agreement and Exchange Agreement between the City of Marietta and Roswell Street Baptist Church dated September 25th, 2013. The exchange and abandonment are found to be in the best interest of the public and are in conformity with Georgia law.

**Approved and Finalized**

\*      **20150885                      Renaming Franklin Road**

Motion to authorize staff to move forward with the process of changing the name of Franklin Road to Gateway Boulevard. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. Included for consideration is to designate Gateway Boulevard commencing at South Marietta Parkway and terminating at Delk Road as the "Franklin Commemorative Highway". The process will include advice and counsel from the Gateway Marietta CID area community and stakeholders. Further, there shall be two (2) public hearings, one held on Franklin Road and one at City Hall.

**Approved and Finalized**

**20150707****V2015-42 [VARIANCE] CLEARCHANNEL OUTDOOR, INC**

V2015-42 [VARIANCE] CLEARCHANNEL OUTDOOR, INC is requesting a variance for property located in Land Lot 1212, District 16, Parcel 0210, 2nd Section, Cobb County, Georgia, and being known as 131 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Ward 5A.

*Motion to approve the variance from the sign height regulations not to exceed the lesser of 66 feet or the height of for the existing billboard subject to meeting all requirements in Section 714.04(G.13).*

**Approved as Amended**

**\* 20150582****Final Plat for Meeting Park Phase III**

Motion approving the final plat for Meeting Park Phase III located in Land Lot 1232, District 16, 2nd Section, Marietta, Cobb County, Georgia.

**Approved and Finalized**

**\* 20150948****Manget Phase IV Revised Detailed Plan**

Motion to approve the revised detailed plan for Manget Phase IV, as shown on the attached plans, signed by the owner and dated October 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code. The following items are specifically noted:

- Lot 121 allowed to encroach into the 35 foot landscape buffer, only as specifically shown on the attached plans.
- A revised tree plan for this phase has not been provided at this time. A revised tree plan must be submitted for approval by City Council.
- Revised elevations have not been provided at this time. Revised elevations must be submitted for approval by City Council.

All other previously approved stipulations and conditions will remain in effect.

**Approved and Finalized**

**\* 20150951****Park Naming Policy**

Motion to delete the restrictive language of "having been deceased for three years" and "after a deceased person" as a criteria from the park naming policy. This item was requested by Councilmember Kelly.

**Approved and Finalized**

\*      **20150950                    Naming of Park on Blackwell Lane**

Motion to adopt an ordinance naming the new park located at 195 Blackwell Lane after Joanne Woodward for her outstanding achievements and her contributions to the City of Marietta and community. This item is requested by Council Member Walker and Mayor Tumlin.

**Approved and Finalized**

\*      **20150958                    1195 Powder Springs Street - acquisition of a portion of property and easements**

Motion authorizing acquisition of a portion of property and easements at 1195 Powder Springs Street from McDonalds Corp. for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$15,000.00 and the following stipulations:

- The temporary construction easement is not to be used for staging equipment or construction parking, just construction work pedestrian access. All work should be coordinated with the restaurant so as not to interfere with customer traffic patterns. Please inform the store 2 weeks prior to construction starting.
- All landscaping, sodding, curbing, gutter, and asphalt must be restored by the City after construction is completed.
- If the ADA Handicap parking signs are removed from the easement area during construction, they should be replaced by the City after construction. The City will also provide temporary signage for the handicap spaces during construction.

**Approved and Finalized**

\*      **20150959                    Advertisement to amend Division 722, Reversionary Clause**

Motion to authorize advertisement to amend Division 722, Reversionary Clause, as shown below, by deleting it in its entirety.

722.06 Reversionary clause

If at the time of 12 months from the date of rezoning of property the owner has not obtained a building permit, and presented the necessary development plans as determined by the Department of Planning and Zoning on at least a portion of said property, the Planning and Zoning Director may propose a map amendment to rezone the property back to the previous zoning district classification. The owner of the property will be notified of the reversionary action to take place and afforded an opportunity to appear before the Planning Commission and City Council to show cause why the reversionary action should not be taken.

**Approved for Advertisement**

\*      **20150931            BLW Actions of October 12, 2015**

Review and approval of the October 12, 2015 actions and minutes of Marietta Board of Lights and Water.

**Approved and Finalized**